

**ALASKA STATE LEGISLATURE  
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 14, 2023

1:03 p.m.

**MEMBERS PRESENT**

Representative Kevin McCabe, Chair  
Representative Sarah Vance, Vice Chair  
Representative Tom McKay  
Representative Craig Johnson  
Representative Jesse Sumner  
Representative Louise Stutes  
Representative Genevieve Mina

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 8

"An Act relating to electric-assisted bicycles."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 8

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(S): REPRESENTATIVE(S) CARRICK

01/19/23	(H)	PREFILE RELEASED 1/9/23
01/19/23	(H)	READ THE FIRST TIME - REFERRALS
01/19/23	(H)	STA, L&C, TRA
02/23/23	(H)	STA AT 3:00 PM GRUENBERG 120
02/23/23	(H)	Heard & Held
02/23/23	(H)	MINUTE(STA)
02/27/23	(H)	L&C REFERRAL REMOVED
02/27/23	(H)	BILL REPRINTED
03/02/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/02/23	(H)	Moved HB 8 Out of Committee
03/02/23	(H)	MINUTE(STA)
03/06/23	(H)	STA RPT 6DP
03/06/23	(H)	DP: ARMSTRONG, CARPENTER, C.JOHNSON, ALLARD, WRIGHT, SHAW
03/14/23	(H)	TRA AT 1:00 PM BARNES 124

**WITNESS REGISTER**

REPRESENTATIVE ASHLEY CARRICK  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, presented HB 8.

STUART RELAY, Staff  
Representative Ashley Carrick  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided the sectional analysis of HB 8 on behalf of Representative Carrick, prime sponsor.

LEE HART, Executive Director  
Alaska Outdoor Alliance  
Anchorage, Alaska

**POSITION STATEMENT:** Provided invited testimony during the hearing on HB 8.

JACKSON FOX, Executive Director  
Fairbanks Area Surface Transportation Planning  
Fairbanks, Alaska

**POSITION STATEMENT:** Provided invited testimony during the hearing on HB 8.

**ACTION NARRATIVE**

[1:03:14 PM](#)

**CHAIR KEVIN MCCABE** called the House Transportation Standing Committee meeting to order at 1:03 p.m. Representatives Vance, McKay, Stutes, and McCabe were present at the call to order. Representatives C. Johnson, Sumner, and Mina arrived as the meeting was in progress.

**HB 8-ELECTRIC-ASSISTED BICYCLES**

[Contains discussion of SB 62.]

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CHAIR MCCABE announced that the only order of business would be HOUSE BILL NO. 8, "An Act relating to electric-assisted bicycles."

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REPRESENTATIVE ASHLEY CARRICK, Alaska State Legislature, as prime sponsor, said that HB 8 would add a definition for electric-assisted bicycles ("e-bikes") in Alaska statute. She said that the people of West Fairbanks bike for recreational and commuting purposes. She explained that the definition HB 8 provides would bring clarity to electric-assisted bike transportation by eliminating a gray area in state statute. She relayed that in the last two legislatures, there have been previous versions of HB 8 that were brought forward by her predecessor, Adam Wool, but made it only as far as a few Senate committees.

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REPRESENTATIVE CARRICK stated that HB 8 proposes that e-bikes be regulated as bicycles. She explained that under current statute, they are neither a bike nor a motor vehicle. She said HB 8 seeks to update statute to reflect technological advances in the recreational biking industry and bring clarity to retailers and consumers on electric-assisted bicycle laws. Regarding a proposed definition of electronic-assisted bicycle under HB 8, she advised that "a bicycle is designed to travel with not more than three wheels in contact with the ground, has fully operative pedals for human propulsion, and is equipped with an electric motor with a power output that does not exceed 750 watts, which is approximately one horsepower." Both the definition and the three-class system that is within the bill have been adopted in 37 other states. She explained that there are three classes of electric bicycles that are sold: class one electric bikes assist only when the rider is pedaling and stop providing assistance at 20 miles per hour (MPH); class two electric bikes propel regardless of whether the rider is pedaling and stop providing assistance at 20 MPH; class three bikes provide assistance only when the rider is pedaling and stop providing assistance at a speed of 28 MPH. She said there are only four states in the U.S. that do not have electric bikes in statute, Alaska being one of those states. She explained that the bill specifies that electric-assisted bicycles are not in the category of the following vehicles already defined under statute: mopeds, motor scooters, dirt bikes, segways, motorcycles, cars, and electric wheelchairs. She explained that what sets electric-assisted bicycles apart from other bikes is that the engine does not exceed 750 watts and such bikes have fully operational pedals. She noted that electric bikes look like any other bicycle.

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STUART RELAY, Staff, Representative Ashley Carrick, Alaska State Legislature, on behalf of Representative Carrick, prime sponsor, gave the sectional analysis for HB 8, which read as follows [original punctuation provided, with some formatting changes]:

Section 1:

Amends AS 19.10.399(9) to state that the definition of motor vehicle excludes electric-assisted bicycles.

Section 2:

Amends AS 19.10.399(16) to clarify that electric-assisted bicycles are to be regulated as bicycles in regard to operation on a way, path, or area.

Section 3:

Amends AS 28.05.011(a) to state that electric-assisted bicycles should be regulated as bicycles in regards to the rules of the road. It also includes electric-assisted bicycles under an existing provision allowing municipal ordinances to separately regulate in this area.

Section 4:

Amends AS 28.10.011 to state that an electric-assisted bicycle is not required to be registered as a vehicle.

Section 5:

Amends AS 28.90.990(a)(12) to state that an electric-assisted bicycle does not fall under the definition of an "electric personal motor vehicle."

Section 6:

Amends AS 28.90.990(a)(18) to state that an electric-assisted bicycle does not fall under the definition of "motor vehicle."

Section 7:

Amends AS 28.90.990(a)(19) to state that an electric assisted bicycle does not fall under the definition of a "motorcycle."

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Section 8:

Amends AS 28.90.990(a)(20) to state that an electric-assisted bicycle does not fall under the definition of a "motor-driven cycle."

Section 9:

Amends 28.90.990(a)(33-36) to state the term "bicycle" includes electric-assisted bicycles in the three following classes

- o (34) Class 1: bicycles that assist only while the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour.

- o (35) Class 2: bicycles that can propel whether or not the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour

Representative Ashley Carrick

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- o (36) Class 3: bicycles that only assist while the rider is pedaling and that stop providing assistance at the speed of 28 miles per hour.

Amends AS 28.90.990(a)(37) to define electric assisted bicycles as a bicycle that is designed to travel with not more than three wheels in contact with the ground, has fully operative pedals for human propulsion, is equipped with an electric motor that has a power output of not more than 750 watts, and includes Class 1, Class 2, and Class 3 electric assisted bicycles.

Section 10:

Amends AS 41.23.300 is amended by adding a new section that states "bicycling" includes the use of electric-assisted bicycles, and that "electric-assisted bicycles" have the meaning provided for in the previous section.

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REPRESENTATIVE SUMNER asked why the bill states "not more than three wheels" instead of "not more than two" for a bicycle.

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REPRESENTATIVE CARRICK answered that tricycles do exist but she is unsure about the retail prevalence of electric-assisted tricycles. She said that such bikes are used by individuals

with disabilities, or those that have mobility challenges. She pointed out that there are three-wheeled recumbent bikes that are electrically assisted.

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REPRESENTATIVE VANCE commented that HB 8 is different from what she herself has seen before, in that the inclusion of definitions for what is not considered an electric bike is new. She asked why the exclusions were added.

REPRESENTATIVE CARRICK answered that the language isn't new, but rather has not been emphasized in the sectional analysis in previous iterations of the legislation. She said that Legislative Legal Services felt it was important to clarify with existing definitions of what is not considered an electric bike, and she agreed that the definitions provided are important as they do provide clarity.

REPRESENTATIVE VANCE referred to page 2 of HB 8, lines 17-18, which read:

(B) a user of an electric-assisted bicycle shall be afforded the same rights and be subject to the same duties as a user of a bicycle;

REPRESENTATIVE VANCE asked Ms. Carrick to explain what the rights are. Further, regarding class three bicycles, she asked about the 28 MPH limit, and if the bill would require the cyclist to obey speed limits.

REPRESENTATIVE CARRICK answered that Section 3 establishes that e-bikes are to be regulated as bicycles; therefore, existing provisions that apply to bicycles would also apply to electric bicycles. She said she is unsure if it is in state statute, but she shared that there might be regulation requiring that bicycles obey speed limits. She said her intent is that electric bicycles obey the same rules of the road that bike users are required to follow. She explained that Section 3 allows municipal ordinances to continue regulating electric bicycles.

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REPRESENTATIVE MINA asked, in states where electric bikes are defined in statute, if licensing or registration is required.

REPRESENTATIVE CARRICK responded that the answer is likely no, but she said she will follow up regarding states that do not have language similar to HB 8 in place. She explained that the 37 states that have electric bike language like that in HB 8 have language restricting the need for a license; some states provide a limited definition of electric bike and may have different requirements.

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CHAIR MCCABE referred to Representative Carrick's comment regarding the ability for a municipality to regulate electric bikes, and he asked about the Alaska Department of Fish & Game's (ADF&G) definition classifying such a bike as a motorized vehicle that cannot be used in a non-motorized boat. He asked if the bill excludes electric bikes in that scenario.

MR. RELAY answered that the question is more related to the Department of Natural Resources (DNR) and clarified that HB 8 gives only municipalities and the Alaska Department of Public Safety (DPS) the ability to regulate. He explained that companion legislation in the Senate, SB 62, contains amended language that allows DNR to limit the use in state recreation areas. To answer Chair McCabe's question, he said no, it does not cover that scenario.

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REPRESENTATIVE CARRICK reiterated that her goal is to clear up the gray area that exists in state statute, and she said she would consider language that provides departments like DNR and ADF&G to have separate regulatory authority, like the municipalities would, under HB 8.

CHAIR MCCABE brought up the idea of amending HB 8 to support veterans' use of electric-assisted bicycles.

REPRESENTATIVE CARRICK responded that a major goal of hers is to allow better access to folks that may have restrictions on bicycling, to be able to access electric bicycling in non-motorized areas - unless in the cases where there is municipal or departmental regulation against that. She said she sees electric bicycles fundamentally the same as bicycles. She offered her understanding that the average user of an electric bicycle is using it just to have some electric assistance to get up hills or go on longer trails or is an older or mobility-

impaired individual seeking to get more enjoyment out of bicycling.

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REPRESENTATIVE C. JOHNSON said that he would consider the removal of ADF&G's authority as an "unfriendly" amendment, and he would prepare an amendment that would [support use of e-bikes] on non-motorized trails during a hunt.

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CHAIR MCCABE referred to a list of ADF&G answers to frequently asked questions that is on the department's website; one question asks, "Do electric bikes have a motor?" He read ADF&G's answer, as follows:

Yes, they do, whether designed with throttle control or pedal assisted, e-bikes are considered illegal in non-motorized areas. Please be aware of this when planning a hunt in an area managed for non-motorized use such as a controlled use area.

CHAIR MCCABE suggested that to meet the spirit of the bill, a friendly amendment would be to remove the language.

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REPRESENTATIVE SUMNER offered his understanding that the proper way to add that amendment would be to add reference to AS 16.05.920, which outlines that electric-assisted bicycles are not motorized land vehicles.

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REPRESENTATIVE VANCE referred to language on page 1, beginning on line 11 through line 13, which read: "other specific types of vehicles as determined by the Department of Public Safety, or other agency having jurisdiction over the way, path or area". She asked if the language "or other agency" would apply to every other department; further, if that includes DNR, as that department holds jurisdiction over state lands that electric bikes would be used on. She said she does not want to create a loophole, even though she would like the departments to have authority about what is best for the land. She said she does not want members to neglect the portion of the bill that allows an authority to be prescriptive about certain uses.

REPRESENTATIVE CARRICK responded that she is ambivalent, in that she is comfortable allowing DPS and DNR to make their own regulations. She said she is also comfortable stating that, in the case of accessing state land, the bikes are non-motorized. She said she is neither opposed to the idea of electric bikes being used for hunting nor to a situation where DNR restricts that activity.

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CHAIR MCCABE asked the invited testifiers to speak.

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LEE HART, Executive Director, Alaska Outdoor Alliance, shared that she is a lifelong outdoor recreation enthusiast and has worked in the outdoor recreation industry for the last two decades. She said that since 2018 she has been raising awareness around the state's \$2.2 billion outdoor recreation economic cluster. She said she is coming before the committee as the leader of a statewide active transportation coalition. She relayed that some groups in the coalition, including two municipal planning organizations, have provided testimony in support of the legislation. She explained that the coalition is seated within the state's Department of Health, which has a federal grant that requires access to physical activity be made to more Alaskans.

MS. HART explained that electric bikes resemble traditional bikes in operation and appearance; the bike's low-speed silent motor provides power to climb hills and lengthen the bike ride. She said that the individual needs to know how to ride a bike. She pointed out that electric bikes may offer a feasible choice to take short trips; according to U.S. Department of Transportation survey data, half of all trips in the U.S. are three miles or less in length, which Ms. Hart said is regarded as a bikeable range for most adults. She said that for these reasons, electric bike sales have grown 300 percent over the last five years, making such bikes the fastest growing segment of the bicycle industry, according to an article by Bicycle Retailer and Industry News. She said that HB 8 aligns with language that is in statute in 37 other states. She explained that a definition, and where an electric bike is allowed to travel, is good for bike manufacturers and retailers. She reported that membership within Alaska's various mountain biking, cycling, and racing organizations total in the

thousands; electric bikes are used for tours, as well as sold and rented in Southeast Alaska, namely Sitka, Juneau, and Yakutat. She said confusion [regarding regulations] can be a barrier to the sale of electric bikes. She thanked the committee for considering the bill.

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JACKSON FOX, Executive Director, Fairbanks Area Surface Transportation (FAST) Planning, explained that FAST is the state designated metropolitan planning organization in the Fairbanks and North Pole areas. The organization has a bicycle and pedestrian advisory committee that meets monthly. The advisory committee has stated its unanimous support of the language in HB 8 and specifically supports providing a definition in statute for electric bikes, categorizing them as bicycles rather than as motor vehicles. Further, the advisory committee supports waiving DMV registration for electric bikes and separating electric bikes from motor driven cycles, like motorcycles and motor scooters, using the three-class system to define electric bikes. He said the legislation will help state agencies and local jurisdictions in individually deciding what kinds of electric bikes to allow on their non-motorized facilities, like sidewalks or trails. He said the organization supports the language as is, with no changes.

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The committee took a brief at-ease at 1:36 p.m. [to address technical difficulties].

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CHAIR MCCABE highlighted that electric bikes are the number one selling electric vehicle in the U.S.

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REPRESENTATIVE CARRICK thanked members for today's hearing on HB 8.

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CHAIR MCCABE announced that HB 8 was held over.

[1:38:09 PM](#)

REPRESENTATIVE STUTES commented that Brian Redington won the Iditarod.

[1:38:34 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:38 p.m.